



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. J. Michael Janosik, Planning Administrator,
Planning Department
Mr. Carl D. Schlauadt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Ms. Susan R. Blocher, Senior Planner, Development
Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Ms. Sara Carter, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Vanessa N. Kent, Secretary, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)

- D. **Plans and Information Section Update.**
- E. **Work Program – Review and Update.**
- F. **Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD0251 Dale	Chesterfield County Public Libraries	Substantial Accord Determination	Meadowdale Library Expansion
G.	Sidewalk Policy Revisions.		
H.	Proposed Ordinance Amendment relative to Cashing Checks for Fees Other Than Check Cashing.		
I.	Discussion of Chesapeake Bay Ordinance Amendments.		
J.	Adjournment.		

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Turner noted a correction to Item F., Consideration of a Substantial Accord Determination, indicating the case number should be 05PD0351, not 05PD0251; and requested Item G., Sidewalk Policy Revisions be moved to a future meeting date in Fall 2005 and Item H. Proposed Ordinance Amendment relative to Cashing Checks for Fees Other Than Check Cashing be deferred to the June 21, 2005, Planning Commission Work Session.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to correct information relative to Item F., Consideration of a Substantial Accord Determination to reflect the case number as 05PD0351; deferred Item G., Sidewalk Policy Revisions to a future meeting date in Fall 2005; and deferred Item H. Proposed Ordinance Amendment relative to Cashing Checks for Fees Other Than Check Cashing to the June 21, 2005, Planning Commission Work Session; and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

There was brief discussion relative to scheduling the June 21, 2005, Historic Landmark Designation requests at 3:00 p. m.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the May 26th Special Planning Commission meeting and the June 21st, July 19th, August 16th, September 20th, October 18th, and November 15, 2005, Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Mr. Turner noted a correction to the April 21, 2005, Planning Commission Special Meeting minutes on page 4.

With respect to the previous discussion relative to scheduling Historic Landmark Designation requests at 3:00 p. m., staff noted the Commission's By-Laws required consideration of the requests at the 7:00 p.m. Evening Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

During discussion of Case 05SN0219, Otterdale Partners LLC, Mr. Wilson stated he represented the applicants in matters other than zoning, declared a potential conflict of interest pursuant to the Virginia Conflict of Interest Act, and recused himself from the meeting at approximately 1:22 p. m.

Upon conclusion of discussion relative to Case 05SN0219, Otterdale Partners LLC, Mr. Wilson returned to the meeting at approximately 1:24 p. m.

The Commission agreed a presentation was unnecessary relative to the Chester Plan scheduled for public hearing at the 7:00 p. m. Evening Session and there were no questions or discussion.

Mr. Janosik presented an overview of, and staff's recommendation for, the proposed Code Amendment relative to home occupations, including suggested modifications, which was deferred to this date from a previous Commission meeting and was scheduled for action at the 7:00 p. m. Evening Session.

Mr. Allen presented an overview of, and staff's recommendation for, the proposed Code Amendments relative to setback requirements in Industrial Districts, scheduled for public hearing at the 7:00 p. m. Evening Session.

With respect to a proposed Code Amendment relating to the number of building permits issued prior to acceptance of streets into the State System, Ms. McGee and Mr. Robinson indicated staff felt there had not been sufficient public notice of the proposed Amendment and recommended the matter be deferred to the June 21, 2005, Planning Commission meeting.

The Commission agreed to defer the proposed Code Amendment relating to the number of building permits issued prior to acceptance of streets into the State System to the June 21, 2005, Planning Commission meeting at 7:00 p. m.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

There was no discussion relative to Advance Planning and Research projects.

E. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, on motion of Mr. Wilson, seconded by Mr. Bass, the Commission tabled indefinitely and removed the Water Quality Protection Ordinance Amendments project from the Work Program and adopted their June 2005 Work Program, as amended.

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Mr. Gulley.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
05PD02351 Dale	Chesterfield County Public Libraries	Substantial Accord Determination	Meadowdale Library Expansion

Staff stated the applicant had submitted written documentation withdrawing Case 05PD0351, Chesterfield County Public Libraries.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 05PD0351, Chesterfield County Public Libraries.

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Mr. Gulley.

I. DISCUSSION OF CHESAPEAKE BAY ORDINANCE AMENDMENTS.

Mrs. Salvati presented a summary of proposed Chesapeake Bay Ordinance Amendments and requested the Commission schedule a public hearing.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission scheduled the date of, and requested staff to advertise, June 21, 2005, at 7:00 p. m., for a public hearing to consider the proposed Chesapeake Bay Ordinance Amendments.

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Mr. Gulley.

Ms. Salvati introduced Mr. Scott Flanigan, Acting Director of the Water Quality Department.

J. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adjourned the Work Session at approximately 2:00 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Vice Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the April 19, 2005, Planning Commission regularly scheduled meeting minutes and the April 21, 2005, Planning Commission Special Meeting minutes.

On motion of Mr. **Gecker**, seconded by Mr. **Bass**, the Commission resolved to approve the April 19, 2005, Planning Commission regularly scheduled meeting minutes, as written.

AYES: Messrs. Wilson, Bass and Gecker.
ABSENT: Messrs. Litton and Gulley.

On motion of Mr. **Gecker**, seconded by Mr. **Bass**, the Commission resolved to approve the April 21, 2005, Planning Commission special meeting minutes, with the following correction:

Page 4, paragraph 8:

"AYES: Messrs. Litton, Wilson and Gecker.
~~ABSENT~~ **NAYS:** Messrs. Gulley and Bass."

AYES: Messrs. Wilson, Gulley, Bass and Gecker.
ABSENT: Messrs. Litton and Gulley.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:
♦ **DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER.**

05PS0144:* (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in

Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 748.3 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-Part of 0343 and 8763; 726-695-Part of 0706, 3178 and 7906; 726-697-4349; 727-698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Mr. John V. Cogbill, III, the applicant's representative, presented a summary of the case history; addressed issues related to transportation improvements, particularly the interchange at the Charter Colony Parkway/Powhite Parkway intersection; indicated his client felt it unfair to place the burden of the interchange improvements on them since there were other area developments that would be impacting the area and should bear their portion of the interchange construction costs; submitted a diagram depicting the overlapping responsibilities of other area developments; stated his client was willing to continue working with staff to resolve outstanding issues; and he appreciated the Commission's willingness to defer the request and was hopeful to be able to provide a plan at the next meeting that would be acceptable to all concerned.

Mr. Gecker stated he appreciated the applicant's concern that the burden of the interchange improvements was unfair; however, without a cogent plan to construct the interchange within a time certain period, he did not see how, in good conscience, this type of development could be permitted to occur at this location. He stated he did not perceive taking on an unfunded, deferred liability (cost of constructing the interchange), while allowing traffic on the road to attain levels that would make them impassable would be in the best interest of the County or its citizens. He stated he had attempted, in conjunction with other individuals, to reach a resolution as to how the interchange could be constructed in a time certain period to achieve economic development goals for the developer and construction of the interchange for the County to accommodate traffic. He stated he hoped the deferral would be productive for all parties involved.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PR0338: In Clover Hill Magisterial District, **KENBRIDGE PROPERTIES** requested Planning Commission approval of a landscape plan, per zoning Case 87S016. This project is commonly known as **OAK LAKE - KENBRIDGE OFFICE/WAREHOUSE 2**. This request lies in a Light Industrial (I-1) District on 2.7 acres fronting the west line of Oak Lake Boulevard approximately 320 feet from its intersection with Genito Road. Tax IDs 736-688-Part of 2788 and 736-689-2428 and 2610 (Sheet 10).

Mr. Preston Dalrymple, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that landscape plan approval for the proposed Kenbridge Office/Warehouse 2 site, as required by Condition 5(a) and Textual Statement Condition 2 of zoning Case 87S016, for Case 05PR0338, Kenbridge Properties (Oak Lake – Kenbridge Office/Warehouse 2), shall be and it thereby was granted, subject to the following condition:

CONDITION

The landscape planting requirement shall be re-evaluated after on-site grading is complete to determine if sufficient numbers of existing trees were saved to meet the requirements as shown on the landscape plan.

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

05PS0304: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested schematic plan approval. This request lies in Residential (R-9) and Corporate Office (O-2) Districts on a 164.3 acre parcel fronting in two (2) places for a total of approximately 2,100 feet on the east line of Otterdale Road approximately 3,860 feet south of Old Hundred Road. Tax IDs 716-689-Part of 7889; 716-691-4229; and 718-691-Part of 6889 (Sheet 9).

Mr. Gary Scotto, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved that schematic plan approval for Case 05PS0304, Douglas R. Sowers, shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The plan prepared by E.D. Lewis and Associates, P.C., dated May 9, 2005, shall be considered the schematic plan for this portion of Tract B. (P)
2. Within the Residential Single Family (i.e: Estate, Single Family Detached and Cluster), Residential Townhouse (i.e: Villa and Single Family Attached) and Residential Multifamily (i.e: Multifamily and Retirement) tracts, residential unit types shall be grouped together within a tract. If there is a desire to mix the types of residential uses within a tract, the mixing may be permitted if a Mixed Use Plan is submitted for review and approval. The Mixed Use Plan shall address the land use transitions and compatibility between the different uses within a tract. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers and site design. (P)
3. Prior to any tentative subdivision plan or site plan approval, an overall conceptual pedestrian access plan shall be submitted for review and approval. This plan shall show the general location of sidewalks and trails that facilitate pedestrian connections between

the residential and commercial uses within the project, as well as to provide connection to the residential development south of, and adjacent to the project. (P)

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

05TS0303: In Bermuda Magisterial District, **PRISTINE DEVELOPMENT** requested approval of a seventy-seven (77) lot subdivision. This development is commonly known as **SEASONS CREEK (FORMERLY ROOSEVELT PARK)**. This request lies in a Residential (R-7) District on a 28.8 acre parcel fronting approximately 1,000 feet on the west line of Branders Bridge Road. Tax IDs 792-630-4724, 4834, 4944, 5054, 5164, 5274, 5383, 5394, 7038, 7050, 7160, 7170, 7280, 7395, 8338, 8448, 8458, 8669, 8779 and 8895; 792-631-5404, 5513, 5624, 5734, 5844, 5954, 5964, 6173, 6184, 6296, 7406, 7616, 7626, 7736, 7845, 7957, 8167, 8176, 8905, 9015, 9125, 9291, 9335, 9545, 9665, 9674 and 9755; 793-630-0448, 0559, 0668, 0679, 0895, 2054, 2168, 2278, 2395 and 4165; 793-631-1006, 1115, 1135, 1728, 2305, 2515 and 2724 (Sheet 41).

Ms. Tamson Watson, the applicant's representative, accepted staff's recommendation and requested that Condition 19 be amended to include "unless otherwise approved by the Fire and Utility Department."

Mr. Lamson indicated the amendment to Condition 19 was acceptable.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, Assistant Fire Marshal Hall indicated the language amendment to Condition 19 was acceptable.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved that tentative plat approval of a seventy-seven lot subdivision for Case 05TS0303, Pristine Development (Seasons Creek (formerly Roosevelt Park)), shall be and it thereby was granted, subject to the following conditions and review comments/notes:

CONDITIONS

1. Prior to subdivision recordation, existing road rights of way within the corresponding portion of Roosevelt Park subdivision must be vacated by action of the Board of Supervisors. (P)
2. In conjunction with recordation of the first section of this tentative, forty-five (45) feet of right of way, measured off a revised centerline for Branders Bridge Road, shall be dedicated to and for the benefit of Chesterfield County, free and unrestricted, along the entire property frontage. This revised centerline shall be based on a forty (40) mph design speed as approved by Chesterfield Department of Transportation. (T)
3. The ditch line shall be relocated on Branders Bridge Road along the entire property frontage to provide an adequate shoulder. (T)

4. Additional pavement shall be constructed along Branders Bridge Road to provide a left and right turn lane at Autumn Color Road. These turn lanes shall be constructed with the first phase of construction for this subdivision. (T)
5. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetland permits have been received. (EE)
6. To provide for adequate drainage and protection of home sites, the following shall be accomplished:
 - a. There shall be no standing water on upland areas outside of the wetland.
 - b. Design centerlines of road profiles shall be a minimum one (1) foot below existing grade and/or the drainage design shall provide each lot with a minimum one (1) percent gradient from the lowest and/or most remote point within the lot to an adequate receiving outfall as determined by the Environmental Engineer.
 - c. Each lot shall have a building envelope whose size has been coordinated with the developer so as to represent the product intended for the subdivision.
 - d. Crawlspace elevations shall be constructed a minimum of one (1) foot above original ground unless a qualified professional determines that adequate drainage can be obtained by other methods. Lots required to have elevated crawlspaces shall be shown on the construction plans and so noted on final check and record plats.
 - e. Mass filling and grading plans as directed by the Environmental Engineering Department shall be provided. Existing and proposed contours shall be indicated which among other things will portray an intension for each lot to function independently in connecting to its drainage outfall.
 - f. As applicable, the minimum-floor elevation for all lots will be designated at one (1) foot above the controlling road sag. (EE)
7. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion and sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
8. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
9. The 100-year floodplain surrounding the wetlands will be shown as field located on the construction plans and shall be re-field verified prior to the issuance of a Certificate of Occupancy. An NBP shall be stipulated for the affected lots. (EE)

10. Building envelopes as shown on the tentative plan, along with any other directed by the Environmental Engineering Department, shall be placed on the construction plans and subdivision plat. (EE)
11. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the Environmental Engineering Department. (EE)
12. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
13. The culvert under Branders Bridge Road into which this project drains shall be designed and upgraded so that it functions at minimum drainage criteria. (EE)
14. The twenty-five (25) foot setback shall be measured off the greater encroachment between the wetlands and the flood limits. (EE)
15. There shall be no filling in the floodplain. (EE)
16. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)
17. Autumn Color Road shall be fully constructed from its intersection with Branders Bridge Road to the Owens property line. (EE)
18. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)
19. It is the subdivider's responsibility to make certain that the proposed project, and the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1,000 gpm at 20 psi residual unless otherwise approved by the Fire and Utility Department. (U)
20. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)
21. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)

REVIEW COMMENTS

1. On the tentative plat, indicate the road classification, design speed and design volume on Branders Bridge Road. (T)
2. The developer must write a letter to the Environmental Engineering Department stating that the all building envelopes which are available per this tentative plan are compatible with the building product he envisions for this subdivision. Receipt of this letter is a prerequisite to tentative approval. (EE)
3. Prior to approval of the Seasons Creek tentative, the developer will submit a letter of acknowledgment of the condition regarding masonry embellishments within the VDOT clear zone. This acknowledgment is the responsibility of the developer and not his representative as he is ultimately responsible for removal of headwalls in all new subdivisions should it become necessary. A draft of this letter has been forwarded to the applicant. (EE, P)

NOTES

- A. Compliance with Section 17-76 shall be maintained at all times. (F)
- B. Standard conditions. (P)
- C. Buffers shall comply with Section 17-70. Additional right of way required to accommodate road improvements may impact the location of the fifty (50) foot undisturbed buffer along Branders Bridge Road. A note shall be provided on the final check and record plats stating that the fifty (50) foot buffer must not be disturbed and be exclusive of yard setbacks and utilities (unless utilities are routed generally perpendicular to the buffer). (P)
- D. If the subdivider elects to create an upland buffer rather than mitigating impacts, the twenty-five (25) foot setback shall be measured from the outermost limits of the buffer. (P)
- E. Setbacks around cul de sacs shall be uniform. (P)
- F. A homeowners association per Section 19-559 is required to maintain the open space and and/or common areas. The final check and record plat shall note the responsibilities of the homeowners association. Documents for the homeowners association shall be submitted with the final check plat. (P)
- G. All temporary street ends shall be barricaded and signed with M4-7 and M4-6 signage indicating the temporary end of the street. (P)
- H. Setbacks around cul de sacs shall be uniform. (P)
- I. Building envelopes shall be shown on the final check and record plats for all lots impacted by wetlands or floodplains. (P)

- J. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- K. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- L. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) To be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- M. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- N. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's Thoroughfare Plan requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- O. The construction of transportation improvements on Branders Bridge Road requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- P. A VDOT land use permit for any and all required transportation improvements on Branders Bridge Road (S.R.#625) shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)

- Q. The western terminus of Fall Breeze Lane shall be designed as a thirty-five (35) foot edge of pavement radius permanent cul-de-sac (within a minimum fifty (50) foot radius temporary turnaround easement) utilizing VDOT standard curb and gutter as stipulated in Appendix B of the 2005 SSR. (VDOT)
- R. A turnaround at the terminus of Autumn Color Road shall be designed in accordance with Appendix B of The 2005 SSR. Any portion of the turnaround that extends beyond the proposed dedicated right of way shall be within a temporary turnaround easement. (VDOT)
- S. Provide twenty-five (25) radius right of way fillets at the intersection of Branders Bridge Road and Autumn Color Road. (VDOT)
- T. The intersection of Summer Rain Road and Summer Rain Court shall be designed to accommodate the ability of a SU-30 design vehicle to reverse direction and turn around without leaving the pavement area as stipulated in Appendix B of The 2005 SSR. (VDOT)
- U. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- V. Revise the "masonry embellishment" note in accordance with Appendix B of the 2005 SSR. (VDOT)

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

05TS0307: In Bermuda Magisterial District, **IRONBRIDGE BOULEVARD L.L.C.** requested tentative approval of a 130 lot townhouse development. This development is commonly known as **THE TOWNES AT IRONBRIDGE**. This request lies in a Residential Townhouse (R-TH) District on a twenty (20) acre parcel fronting 1,080 feet on the north line of Iron Bridge Parkway, also fronting approximately 1,320 feet on Iron Bridge Boulevard and located in the northwest quadrant of the intersection of these roads. Tax ID 775-656-4862 (Sheet 25).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation, including the replacement of Condition 1 with Condition 22, as outlined in the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved that tentative plat approval of a 130 lot townhouse development for Case 05TS0307, Ironbridge Boulevard, L.L.C. (The Townes at Ironbridge), shall be and it thereby was granted, subject to the following conditions and review comments/notes:

CONDITIONS

1. The tentative plats shall be resubmitted for administrative review in order to assess and review changes made to the plat since the May 2, 2005, revision date. (CPC)

2. Unless otherwise desired by the existing Ironbridge Lake Owners Association, the Environmental Engineering Department will be provided documentation of the covenants that shows that the Townhouse owners in this project will be members of the Lake Owners Association. This documentation will be necessary prior to recordation. (EE)
3. Per Section 8-4 of the Erosion Control Ordinance, prior to the issuance of a Land Disturbance Permit, the Environmental Engineering Department shall require copies of applicable correspondence from the USACOE so that it may be determined that all wetlands permits have been received. (EE)
4. The pedestrian-access facilities design as shown on the tentative shall be included in the road and drainage plans that must be approved by both VDOT and the Environmental Engineering Department. Road right of way shall be wide enough to encompass the pedestrian-access facilities if the sidewalks meet State criteria. (EE)
5. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
6. The USACOE jurisdictional wetlands shall be shown on the construction plans and subdivision plat. (EE)
7. Grading on individual lots will be provided so that each property will have a surface drainage configuration functioning independently from its adjacent properties. (EE)
8. Roof gutters and downspouts shall be installed on the dwellings. All roof drainage leaders will be tied directly into on-site storm sewers or other stable conveyance systems deemed appropriate by the Environmental Engineering Department. (EE)
9. The 100-year floodplain surrounding the wetlands will be shown as field located on the construction plans and shall be re-field verified prior to the issuance of a Certificate of Occupancy. An NBP shall be stipulated for the affected lots. (EE)
10. The floodplain as shown on the approved construction plans and the recorded subdivision plat shall be the result of hydrologic and hydraulic engineering methods and assumptions which are approved by the Environmental Engineering Department. (EE)
11. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
12. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)

13. The twenty-five (25) foot setback shall be based off the greater of the wetlands or the 100-year floodplain. (EE)
14. There shall be no filling of the 100-year floodplain. (EE)
15. To provide for adequate drainage and protection of home sites, the following shall be accomplished:
 - a. Design centerlines of road profiles shall be a minimum one (1) foot below existing grade and/or the drainage design shall provide each lot with a minimum one (1) percent gradient from the lowest and/or most remote point within the lot to an adequate receiving outfall as determined by the environmental engineer.
 - b. Crawlspace elevations shall be constructed a minimum of one (1) foot above original ground unless a qualified professional determines that adequate drainage can be obtained by other methods. Lots required to have elevated crawlspaces shall be shown on the construction plans and so noted on final check and record plats.
 - c. As applicable, the minimum floor elevation for all lots will be designated at one (1) foot above the controlling road sag.
 - d. There shall be no standing water on upland areas outside the wetland.
 - e. Mass filling and grading plans as directed by the Environmental Engineering Department shall be provided existing and proposed contours shall be indicated which among other things will portray an intension for each lot to function independently in connecting to its drainage outfall. (EE)
16. As directed by the Environmental Engineering Department, a turbidity curtain shall be installed in Ironbridge Lake. (EE)
17. Each building permit shall include the cumulative total of garage units. (P)

Note: A minimum of fifty-one (51) percent of the total units are required to be constructed with a one (1) car garage. (Reference Condition 5 of Case 04SN0219)
18. The record plat shall identify the lots on which the first fifty (50) units will be constructed. (P)

Note: Completion of recreational facilities is required prior to issuance of building permits for more than fifty (50) dwelling units. (Reference Condition 18. of Case 04SN0219)
19. This office may require redesign or modifications to the proposed sewer layout, as shown on the tentative plan, once the field work and final design has been completed by the engineer and shown on initial construction plan submittal for review and approval. (U)

20. It is the subdivider's responsibility to make certain that the proposed project, and the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1,000 gpm at 20 psi residual. (U)
21. The existing eight (8) inch water line stub at Lot 116 along Ironbridge Parkway and the eight (8) inch water line stub at the intersection of Ironbridge Boulevard and Arbor Landing Drive shall be removed in conjunction with this project at the subdivider's expense. (U)

REVIEW COMMENTS

1. Revise the tentative plat to comply with zoning Condition 18 of Case 04SN0219. Zoning Condition 18 requires the construction of a basketball court or tennis court. The current proposal indicates an area for half-court basketball. (P)
2. Provide revised floor plans for each typical townhouse row for review and approval, in accordance with Section 19-105(i)(2). Section 19-105(i)(2) requires the front yard setback of each townhouse unit to be varied at least two (2) feet from the adjacent unit; every third unit to vary at least four (4) feet from the adjacent unit. (P)
3. Provide revised elevations for each typical townhouse row for review and approval per Section 19-105(p). Materials must be labeled on the elevations and comply with those materials specified by Zoning Conditions 4 and 5 of Case 04SN0219. (P)

NOTES

- A. Condition 11 of zoning Case 04SN0219 requires construction of a left turn lane on Ironbridge Parkway prior to issuance of any occupancy permit. (T)
- B. A Homeowner's Association (HOA) is required per Section 19-559 to maintain the common areas. The final check and record plat shall note the responsibilities of the HOA. Documents for the HOA shall be submitted with the final check plat for review and approval. (P)
- C. At time of final check plat review, restrictive covenants shall be recorded in accordance with Condition 20, Case 04SN0219 and Section 19-105 (h). (P)
- D. Buffers shall comply with Section 17-70. (P)
- E. All temporary street ends shall be barricaded and signed with M4-7 and M4-6 signage indicating the temporary end of the street. (P)
- F. Compliance with Section 17-76 shall be maintained at all times. (P,F)
- G. Standard conditions. (P)
- H. All proffered conditions relating to house size, materials or architecture shall be shown on the final check and record plats. (P)

- I. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)
- J. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the developer. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within State maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- K. All right of way widths as shown are preliminary and should be so noted. Actual widths shall be determined by roadway design as stipulated in Appendix B of the 2005 Subdivision Street Requirements (SSR). (VDOT)
- L. The design of any/all proposed landscape embellishments (i.e., landscaping, signage, lighting, irrigation, fencing, etc.) to be installed within State maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to State acceptance. (VDOT)
- M. All roads to be designed and constructed per current VDOT standards and specifications. (VDOT)
- N. The construction of all roadways which are not defined as arterials or collectors in Chesterfield County's Thoroughfare Plan requires the implementation of a comprehensive inspection program to ensure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
 - 1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or;
 - 2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- O. The construction of transportation improvements on Ironbridge Boulevard requires the implementation of a comprehensive inspection program to ensure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
 - 1. The applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or;

2. The applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- P. The design and construction of a minimum three (3) lane section (one (1) inbound/two (2) outbound) is required on Benton Pointe Way to accommodate safe and efficient vehicular movements at the intersection with Ironbridge Parkway. (VDOT)
- Q. A forty-five (45) foot edge of pavement radius turnaround is required at the cul-de-sac on Bolles Landing Court per Appendix B of the 2005 SSR. A minimum fifty-four (54) foot right of way radius is required to accommodate the enlarged turnaround at this location. The edge of pavement radii for all other cul-de-sacs shall comply with Chesterfield County standards. (VDOT)
- R. A VDOT land use permit for any and all required transportation improvements on Ironbridge Parkway shall be satisfactorily completed prior to recordation of any lots within this subdivision. (VDOT)
- S. The proposed on-street parallel parking bays on Harbor Park Lane between Magill Terrace Drive and Benton Pointe Way shall utilize the following geometric design criteria:
1. A forty (40) foot minimum face of curb to face of curb width at locations where the road template utilizes on-street parallel parking;
 2. A twenty-eight (28) foot minimum face of curb to face of curb width at locations where the road template does not utilize on-street parallel parking;
 3. On-street parallel parking bays shall not conflict with minimum intersection sight distance requirements. (VDOT)
- T. The design of private entrance access along curb and gutter streets shall be in accordance with Appendix B of the 2005 SSR. (VDOT)
- U. Please revise the "masonry embellishment" note in accordance with Appendix B of the 2005 SSR. (VDOT)
- V. At time of final record plat review, the developer will submit a landscape plan to address ordinance requirements for buffers and Zoning Conditions 14 and 16 of Case 04SN0219. An inspection of the buffer area will be performed by the Planning Department to determine the exact species, size and spacing of landscaping to be installed in addition to Ordinance requirements, as required by Condition 14. (P)
- W. Prior to the issuance of building permits for more than fifty (50) dwelling units, at a minimum, the following recreational facilities shall be completed as determined by the Planning Department:
- a) A twenty (20) foot by forty (40) foot swimming pool;

- b) A 1,000 gross square foot accessory building for the pool; and,
- c) One (1) tennis court or basketball court. (P)

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

♦ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

05TW0309: In Bermuda Magisterial District, **RCS DEVELOPMENT CORP.** requested a waiver to Section 19-105(l) of the Zoning Ordinance which requires "All lots shall have frontage on a public street or access thereto by common right of way within 500 feet." This development is commonly known as **EAGLE'S CREST AT CHESTERFIELD MEADOWS**. This request lies in a Residential (R-12) District on a 12.3 acre parcel fronting approximately 600 feet on the west line of Old Wrexham Road, also fronting approximately 760 feet on the south line of Chesterfield Meadows Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

Mr. Tompkins presented an overview of the request and staff's recommendation, noting that of the proposed eighty-four (84)-townhouse lots, only seventeen (17) (20%) could not meet Section 19-105(l) requirements of the Ordinance. He stated the shape of the property and the access points, established by existing street intersections, made it impractical to incorporate a small section of state maintained street within the development without incorporating the entire street network and, therefore, staff recommended approval of the development standards waiver to accommodate the circumstances and to promote a better understanding of construction and maintenance responsibilities for the access on site.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation, noting the applicant, to obtain tentative subdivision approval, was required to either obtain relief from or comply with the standard and had chosen, based on staff's recommendation, to request relief from the standard. He asked to be allowed to make a presentation after the County's position was stated.

In response to questions from the Commission, Mr. Collins stated the initial plan was submitted with the inclusion of a public street section from Chesterfield Meadows Drive and Old Wrexham Road into the development for a short distance and the applicant was asked to remove the roadway. He stated the applicant could provide the road, however, staff and the Virginia Department of Transportation (VDOT) did not want to assume responsibility for such a short length of road for state maintenance since it would contribute to the confusion of where the private roads ended and the state maintained roads began. He stated his client did have a small window of opportunity to allow the submittal/processing of a rezoning application, if necessary, but anticipated potential plan approval possibly as early as July or August 2005 and felt a rezoning case could be resolved by that time if there were no problems. He stated staff had indicated they would be willing to review construction plans, as submitted, with the understanding that this issue would be resolved in some fashion within that timeframe.

Mr. Gecker stated he did not have a problem with the result the applicant was seeking to obtain; however, the County Attorney's Office had indicated the Commission lacked jurisdiction to consider this request in the current format. He stated he was not averse to initiating a rezoning application with the understanding that the only modification would be the frontage requirement.

In response to comments from Mr. Collins, Messrs. Gecker and Wilson indicated their willingness to expedite a rezoning application through the process, however, they could not gage whether such a request would generate opposition.

Mr. Wilson stated he felt there clearly would be some issues by area residents in the community relative to the overall development; however, he understood from the discussions the action being sought would be amendment of the existing zoning to bring seventeen (17) lots into compliance with the Ordinance.

Mr. Gecker suggested Case 95TW0309, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows) be deferred to the August 16, 2005, Planning Commission meeting and that the Commission initiate a zoning application to amend the original zoning.

When asked, those present asked to make their comments on both cases upon conclusion of the presentation on Case 05TS0284.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05TW0309, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows), to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Bass and Gecker.
ABSENT: Messrs. Litton and Gulley.

Mr. Turner called Case 05TS0284, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows).

05TS0284: In Bermuda Magisterial District, **RCS DEVELOPMENT CORP.** requested tentative approval of an eighty-four (84) lot townhouse development. This development is commonly known as **EAGLE'S CREST AT CHESTERFIELD MEADOWS**. This request lies in a Residential (R-12) District on a 12.3 acre parcel fronting approximately 600 feet on the west line of Old Wrexham Road, also fronting approximately 760 feet on the south line of Chesterfield Meadows Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 774-660-6611 (Sheet 25).

Mr. Tompkins presented an overview of the request and staff's recommendation.

Mr. Robinson suggested that the Commission may wish to approve the request with the exception of the townhouse units not in compliance with Section 19-105 (l) of the Zoning Ordinance, noting that approval of the tentative without providing for the Section 19-105(l) requirement would render the approval invalid.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation with respect to tentative approval to include the buffer requirement adjustment but questioned if they moved forward with an approved tentative, albeit a limited approved tentative, knowing that if the rezoning application were moved forward successfully, could the tentative be approved administratively.

Mr. Turner suggested, rather than deny the lots, the Commission may wish to approve the tentative subject to the condition that the seventeen (17) lots can not be recorded until such time as zoning was granted to provide relief to the setback requirement.

Mr. Robinson stated staff's policy had been fairly consistently not to approve a tentative, or other approval, and make it subject to other types of approval from the Commission or the Board of Supervisors.

Mr. Turner stated his suggestion would be to accomplish the action in such a manner as to allow the tentative to not require the applicant to submit a new tentative to bring back to the Commission.

Mr. Robinson stated a "contingent" approval was not acceptable and not consistent with policy.

In response to questions from Mr. Wilson, Mr. Robinson stated the Commission could approve the sixty-seven (67) lots in compliance with Section 19-105(l) and deny the remaining lots, noting the denied lots would require another tentative approval and, if there were no requirement that the tentative be brought back to the Commission for approval, the applicant had a choice to seek either an administrative or Planning Commission approval at that time.

Mr. Collins stated he felt proceeding on that basis was acceptable.

In response to a suggested condition by Mr. Turner, which he read, Mr. Robinson stated he felt the better practice would be not to have a "contingent" approval and would not be prudent policy.

Mr. Wilson opened the discussion for public comment.

Mr. William Turnage, a resident of Old Wrexham Place and Mr. Don Martin, a resident of Homeland Court, voiced opposition to the request and expressed concerns relative to area residents not being included in discussions regarding the project; traffic signalization at Memory Lane and Chesterfield Meadows Road to control traffic; increased traffic volumes generated by the development and cut-through traffic; impact to drainage and construction over a major storm sewer; extension of a road from the development to Old Wrexham Road resulting in excessive speeds by area and/or cut-through traffic; safety hazards for area children getting on/off school buses or playing in the neighborhood, destruction of the existing buffer, noise pollution from area businesses, the lack of road maintenance by local and/or state agencies; etc.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Collins addressed the previously expressed concerns, pointing out that the property was originally rezoned in the early 1980s and included single family and multifamily development; traffic studies were performed indicating that the roadways were adequate; design speeds and traffic signalization were within the purview of the Virginia Department of Transportation (VDOT); drainage from the property would be tied into the storm sewer pipe, the existing pipe was designed in anticipation of this development and there would be no construction over top of the drainage pipe; and the extension of Old Wrexham Road had been planned, as part of the Thoroughfare Plan, to connect to the Ironbridge property.

Mr. Newcomb addressed the extension of Chesterfield Meadows Drive and Old Wrexham Road; the extension of Old Wrexham Road to the subject property; and sufficient distances to design four (4) way versus off-setting intersections.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved that tentative approval for lots in compliance with Section 19-105(l) of the Zoning Ordinance, to include approval of a conceptual plan for a required buffer along the western property line in accordance with Condition 8 of zoning Case 84SN0082, and denial of the lots not in compliance with Section 19-105(l), for Case 05TS0284, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows), shall be and it thereby was granted, subject to the following conditions/review comments/review notes:

CONDITIONS

1. Old Wrexham Road will be built to State standards and taken into the State system to the property line of the Harold N. Taylor property. (EE)
2. The pedestrian-access facilities design as shown on the tentative shall be included in the road and drainage plans that must be approved by both VDOT and the Environmental Engineering Department. Road right of way shall be wide enough to encompass the pedestrian-access facilities if the sidewalks meet State criteria. (EE)
3. Any timbering that is to occur as the first phase of infrastructure construction will be incorporated into the project's erosion-and-sediment control plan narrative and will not commence until the issuance of a land disturbance permit for subdivision construction and proper installation of erosion control measures. (EE)
4. Unless otherwise approved by the Environmental Engineering Department, grading on individual lots will be provided so that each property will have a surface drainage configuration functioning independently from its adjacent properties. (EE)
5. Roof gutters and downspouts shall be installed on the dwellings. All roof drainage leaders will be tied directly into onsite storm sewers or other stable conveyance systems deemed appropriate by the Environmental Engineering Department. (EE)
6. The achievement of adequate surface drainage on lots will be the responsibility of the subdivider. The sale of lots does not absolve the subdivider from this responsibility prior to State acceptance of the streets and for a period of one (1) year after the streets are taken into the State system. (EE)
7. Prior to recordation, notification by VDOT that improvements to the State road(s) into which this project intersects, have been satisfactorily completed, must be received by the Environmental Engineering Department. (EE)
8. Old Wrexham Road shall be constructed from the present terminus to the southern property line in conjunction with construction of the first section of this tentative. (T)
9. A right turn lane shall be constructed on Old Wrexham Road at the access point for the subdivision in conjunction with construction of the first section of this tentative. (T)
10. A sidewalk shall be constructed along the entire property frontage on Old Wrexham Road and Chesterfield Meadows Drive with construction of the first section of this tentative. (T)
11. All roads, which are part of this tentative, shall have a design for said roads submitted to and approved by CDOT and Environmental Engineering in conjunction with road and drainage plan approval. (T)
12. Homeowners Association documents in accordance with Section 19-559 will be required. The documents shall be submitted with the final check plat. The bylaws and restrictive

covenants of the required civic association plus the method & means of collecting funds for the maintenance of private roads and private sidewalks shall be submitted to and approved by CDOT and the County Attorney's office prior to recordation of any lots in this tentative. (P&T)

13. Prior to road construction plan approval, a note of certification, from a licensed engineer, shall be provided on the construction plans. This note of certification shall state that all roads have pavement designs in accordance with the current VDOT subdivision street requirements and design guidelines and VDOT pavement design guidelines for secondary roads. (T)
14. Prior to construction bond release, a letter of certification, from a licensed engineer, shall be provided for all private roads. This letter of certification shall state that all construction methods and materials have been tested in accordance with all applicable sections of the current addition of VDOT road and bridge standards and specifications to insure compliance with VDOT subdivision street requirements and design guidelines and VDOT pavement design guidelines for secondary roads and with approved construction plans. (T)

REVIEW COMMENTS

1. A revised conceptual street tree plan in accordance with Section 19-105 (l) and 19-518 (h) shall be submitted to the Planning Department for review and approval. (P)
2. A revised tentative plat, to be submitted to staff, should graphically show the following changes:

The public sidewalk shall be extended along Old Wrexham Road to the Harold Taylor Jr. property line. (P)

REVIEW NOTES

- A. Standard conditions. (P)
- B. All proffered conditions relating to house size, materials or architecture shall be shown on the final check and record plats. (P)
- C. Buffers shall comply with Section 17-70. (P)
- D. All temporary street ends shall be barricaded and signed with M 4-6 and M 4-7 signage indicating the temporary end of the street. (P)
- E. It is the subdivider's responsibility to make certain that the proposed project, and the pressure zone the project is located within, complies with the Chesterfield County Fire Department's required fire flow of 1,000 gpm at 20-psi residual. (U)
- F. Approval of the tentative subdivision is not an approval of the water and/or sewer layout as shown on the subdivider's tentative subdivision plat. The review of the tentative water

and/or sewer layout is being performed to identify any potential controversial problems. The subdivider understands that as the final details of the proposed development are reviewed, the Utilities Department may require changes to the original layout as deemed in the best interest of the County, which ultimately benefits the department's customers as users of the public water/sewer systems. (U)

- G. Hydrant locations shown on the tentative plan may not be in acceptable location. Hydrant locations will be evaluated at the time of construction plan review. (F)
- H. Compliance with Section 17-76 shall be maintained at all times. (F)
- I. All improvements to existing transportation facilities required as a result of the impact of this project shall be the responsibility of the subdivider. Approval of detailed construction plans is a prerequisite to issuance of a land use permit allowing access onto and construction within state maintained rights of way. It should be noted that plan approval at this time does not preclude the imposition of additional requirements at construction plan review. (VDOT)
- J. All internal streets within this development are to be privately maintained. Design of these streets is determined by Chesterfield County. (VDOT)
- K. The design of any/all proposed landscape embellishments (i.e., landscaping, hardscaping, signage, lighting, irrigation, fencing, etc.) to be installed within state maintained rights of way must be submitted to VDOT for review in conjunction with the initial submittal of road construction plans. VDOT approval of said plan shall be granted prior to installation. Failure to comply with these requirements may result in the removal of said embellishments prior to state acceptance. (VDOT)
- L. All improvements to existing state maintained roads shall be designed and constructed per current VDOT standards and specifications. (VDOT)
- M. The construction of transportation improvements on Old Wrexham Road and/or Chesterfield Meadows Drive requires the implementation of a comprehensive inspection program to insure compliance with VDOT standards and specifications. Inspection services shall be provided utilizing one (1) of the following options:
 - (1) the applicant may retain the services of a licensed geotechnical engineer to perform the required inspection and testing, or,
 - (2) the applicant may request that VDOT provide inspection services through the establishment of an accounts receivable with the contractor responsible for providing all required material testing. (VDOT)
- N. In conjunction with the submittal of the final check plat, the buffers shall be flagged for inspection by the Planning Department. (P)
- O. Each townhouse is to have an individual sanitary sewer lateral and water meter. Please graphically show this on the initial construction plan submittal. (U)

P. Insert the tentative case number in the statistic notes on the construction plans. (P)

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission initiated an application to amend Conditional Use Planned Development Case 84S082 to permit exceptions to requirements relative to townhouses fronting on a public street or having access thereto by common right of way within 500 feet on Tax ID 774-660-6611; to appoint Mr. Thomas Jacobson as the Planning Commission's agent; to set the date of, and advertise, August 16, 2005, for a public hearing; and to waive disclosure requirements.

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission suspended their By-Laws to allow Case 05TW0309, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows), to be considered at 7:00 p. m. at their August 16, 2005, Planning Commission meeting.

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

D. FIELD TRIP AND DINNER.

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego Field Trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

E. ADJOURNMENT.

At approximately 3:58 p. m., it was on motion of Mr. Bass, seconded by Mr. Gecker, that the Commission adjourned the Work Session, agreeing to meet at 5:00 p. m. for dinner at John Howlett's Tavern.

AYES: Messrs. Wilson, Bass and Gecker.

ABSENT: Messrs. Litton and Gulley.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Wilson presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting that the June 21, 2005, agenda was comprised of eleven (11) cases; the July 17, 2005, agenda was comprised of fourteen (14) cases; and the August 16, 2005, agenda was comprised of fourteen (14) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

Mr. Wilson requested that an amendment to a prior motion relative to the initiation of a zoning application (Case 05TS0284, RCS Development Corp.) be added to the agenda following Item VII, Deferral Items – Plan and Code Amendments and that Case 05SN0241, Christopher D. Ward, be moved to precede Case 05SN0219, Otterdale Partners LLC on the Discussion Agenda

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to add an amendment to a prior motion relative to the initiation of a zoning application (Case 05TS0284, RCS Development Corp.) following Item VII, Deferral Items – Plan and Code Amendments and to move Case 05SN0241, Christopher D. Ward, to precede Case 05SN0219, Otterdale Partners LLC on the Discussion Agenda and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. DEFERRED ITEMS – PLAN AND CODE AMENDMENTS.

◆ **PLAN AMENDMENT.**

(NOTE: PUBLIC HEARINGS WERE HELD AND CLOSED AT PREVIOUS SESSIONS OF THE COMMISSION ON THE FOLLOWING ITEMS. ACTION ON THESE ITEMS WAS DEFERRED TO THIS DATE.)

◆ **THE CHESTER PLAN, AN AMENDMENT TO THE CHESTER VILLAGE PLAN, THE CENTRAL AREA PLAN AND THE THOROUGHFARE PLAN, ELEMENTS OF THE PLAN FOR CHESTERFIELD.**

Mr. Turner noted the Planning Commission conducted a public hearing on the Chester Plan at their April 19, 2005, meeting, closed the public hearing and deferred action to this date.

Mr. Wilson expressed appreciation for the participation and diligent efforts of those involved in bringing the Plan to fruition, noting the process had been a collaborative effort and, in his opinion, the Plan now embodied the vision that the Chester community had for the Plan and incorporated a number of the goals established throughout the course of the planning process.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of The Chester Plan, an amendment to the Chester Village Plan, the Central Area Plan and the Thoroughfare Plan, parts of The Plan For Chesterfield, as the Plan relates to Chester and the surrounding area of the County. The Chester Plan area is generally bounded: by Route 288 to the north; Happy Hill and Baldwin Roads to the south; Branders Bridge Road to the southwest; Jefferson Davis Highway to the east; and Chalkley, Centralia and Hopkins Roads to the west and northwest.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CODE AMENDMENT.**

(NOTE: PUBLIC HEARINGS WERE HELD AND CLOSED AT PREVIOUS SESSIONS OF THE COMMISSION ON THE FOLLOWING ITEMS. ACTION ON THESE ITEMS WAS DEFERRED TO THIS DATE.)

◆ **HOME OCCUPATIONS.**

Mr. Janosik presented an overview of the proposed Code Amendment and staff's recommendation and explained suggested modifications and/or additions to the proposal.

There was discussion relative to a suggested revision relative to the length of a trailer and added restrictions concerning the axle and weight of the trailer.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108, 19-124, 19-301 and 19-510 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(e) Home occupation, provided that:

(1) No more than one home occupation shall be permitted within each dwelling unit.

(2) No employees shall be permitted to work on the premises other than family member employees that live on the premises.

- (3) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater.
- (4) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted.
- (5) No commodity is stored or sold on the premises except for light inventory.
- (6) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
- (7) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.
- (f) Parking and storage of any commercial truck, commercial vehicle, public service vehicle or school bus provided that no such vehicle shall exceed 6,000 pounds or have more than two axles, except tow vehicles may exceed 6,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks, vehicles or buses on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

- (1) Parking of no more than one tow vehicle, provided:
 - a. The vehicle shall be of wrecker or roll back body style.
 - b. The vehicle shall not exceed 16,000 pounds.
 - c. The vehicle shall be located on a lot three acres or greater or shall be parked under a carport or within a garage or shall be parked so that its view is screened from adjacent properties or public roads.
 - d. The vehicle shall not be permitted to have a vehicle in tow or on its flatbed.

Sec. 19-66. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

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- ~~(b)~~ Home occupations.
- ~~(c)~~ (b) Tennis courts and similar recreational facilities.
- ~~(d)~~ (c) Swimming pools and adjoining deck areas; provided that no swimming pool wall shall be located within six feet of an adjacent lot or parcel nor in a required front or corner side yard.
- ~~(e)~~ (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of the work.
- ~~(f)~~ (e) Signs.
- ~~(g)~~ (f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

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Sec. 19-102. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-TH District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (e) Home occupation, provided that:
 - (1) No more than one home occupation shall be permitted within each dwelling unit.
 - (2) No employees shall be permitted to work on the premises other than family member employees that live on the premises.
 - (3) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater.
 - (4) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted.
 - (5) No commodity is stored or sold on the premises except for light inventory.
 - (6) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle

used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and

- (7) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

(f) Parking and storage of any commercial truck, commercial vehicle, public service vehicle or school bus provided that no such vehicle shall exceed 6,000 pounds or have more than two axles, except tow vehicles may exceed 6,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks, vehicles or buses on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

- (1) Parking of no more than one tow vehicle, provided:

- a. The vehicle shall be of wrecker or roll back body style.
- b. The vehicle shall not exceed 16,000 pounds.
- c. The vehicle shall be located on a lot three acres or greater or shall be parked under a carport or within a garage or shall be parked so that its view is screened from adjacent properties or public roads.
- d. The vehicle shall not be permitted to have a vehicle in tow or on its flatbed.

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Sec. 19-103. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-TH District:

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~~(b)~~ ~~Home occupations.~~

~~(c)~~ (b) Tennis courts and similar recreational facilities.

~~(d)~~ (c) Swimming pools and adjoining deck areas; provided that no swimming pool wall shall be located within six feet of an adjacent lot or parcel nor in a required front or corner side yard.

~~(e)~~ (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of the work.

~~(f)~~ (e) Signs.

~~(g)~~ (f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

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Sec. 19-107.1. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-MF District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(d) Home occupation, provided that:

(1) No more than one home occupation shall be permitted within each dwelling unit.

(2) No employees shall be permitted to work on the premises other than family member employees that live on the premises,

(3) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater,

(4) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,

(5) No commodity is stored or sold on the premises except for light inventory,

(6) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and

(7) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

(e) Parking and storage of any commercial truck, commercial vehicle, public service vehicle or school bus provided that no such vehicle shall exceed 6,000 pounds or have more than two axles, except tow vehicles may exceed 6,000 pounds or have more than two axles. The restriction in this subsection shall not apply to (i) trucks, vehicles or buses on the premises while loading or unloading; or (ii) trucks or vehicles parked on a farm where the parking is incidental to the farming use being conducted on the property.

- (1) Parking of no more than one tow vehicle, provided:
- a. The vehicle shall be of wrecker or roll back body style.
 - b. The vehicle shall not exceed 16,000 pounds.
 - c. The vehicle shall be located on a lot three acres or greater or shall be parked under a carport or within a garage or shall be parked so that its view is screened from adjacent properties or public roads.
 - d. The vehicle shall not be permitted to have a vehicle in tow or on its flatbed.

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Sec. 19-108. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-MF District:

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- ~~(b)~~ Home occupations.
- ~~(c)~~ (b) Recreational facilities as required for the project and that primarily serve the surrounding residential community.
- ~~(d)~~ (c) Management office and maintenance buildings for the project.
- ~~(e)~~ (d) Temporary buildings or trailers devoted to purposes incidental to construction activities taking place on the premises; provided that such buildings or trailers shall be removed upon completion or abandonment of such work.
- ~~(f)~~ (e) Signs.
- ~~(g)~~ (f) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

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Sec. 19-124. Uses permitted with certain restrictions.

The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (e) Home occupation, provided that:
 - (1) No more than one home occupation shall be permitted within each dwelling unit.
 - (2) No employees shall be permitted to work on the premises other than family member employees that live on the premises.
 - (3) The use is within a dwelling, accessory structure or both provided that the total area for the use does not exceed 25% of the floor of the dwelling or 250 square feet, whichever is greater.

- (4) The use is clearly incidental and secondary to the use of the property for dwelling purposes and no external alterations, which would cause the premises to differ from its residential character by the use of colors, materials, lighting, or construction, are permitted,
- (5) No commodity is stored or sold on the premises except for light inventory,
- (6) No more than one vehicle and one single axle trailer not exceeding 13 feet in length and 3,200 pounds used in conjunction with the home occupation may be parked on the premises. No equipment shall be stored outside the dwelling or accessory structure that would indicate that a business is being conducted on site except for equipment stored on the vehicle or trailer used in conjunction with the business. The vehicle and equipment for a home occupation shall be parked on the premises where the home occupation is conducted, but a trailer must be parked, except for loading or unloading, either in the rear yard or so that its view is screened from adjacent properties or public roads. A vehicle used for towing shall not be permitted to have a vehicle in tow or on its flatbed while it is parked on the premises, and
- (7) No assembly or group instruction shall be permitted with a home occupation. Individual instruction on a one to one basis is permitted. Only one client may be on the property at any one time.

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Sec. 19-301. Definitions.

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Home occupation: Any occupation, profession, enterprise or activity conducted ~~solely by one or more members of a family on the premises~~ which is incidental and secondary to the use of the premises as a dwelling, including but not limited to the home office of a member of a recognized or licensed profession, such as an attorney, physician, dentist, certified massage therapist as defined in County Code § 15-91, musician, artist, real estate salesperson or broker, or engineer; ~~provided that:~~

- (1) ~~Not more than the equivalent area of one quarter of one floor shall be used for such purpose;~~
- (2) ~~Such occupation shall not require external alterations;~~
- (3) ~~No commodity is stored or sold, except those made on the premises;~~
- (4) ~~There shall be no group instruction, assembly or activity, and no display that will indicate from the exterior that the building is being used in part for any purpose other than that of a dwelling; and~~
- (5) ~~Only one motor vehicle used in conjunction with the home occupation is parked on the premises.~~

Permitted home occupations shall not include animal hospitals or kennels, beauty parlors, barbershops, dance studios, motor vehicle repair, motor vehicle painting or body work, motor vehicle detailing, nursing homes, convalescent homes, rest homes, private clubs, tourist homes, trash collection or similar establishments offering services to the general public.

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Sec. 19-510. Restrictions and limitations--Agricultural, residential, residential townhouse, multi-family residential, manufactured homes.

(a) Parking and storing recreational equipment in R, R-TH, MH and R-MF Districts:

- (1) In all MH-2, MH-3, and R Districts, only two items of recreational equipment may be parked on a zoning lot for each dwelling unit thereon, outside of a totally enclosed building. Further, all recreational equipment shall be parked or stored in a rear yard, except for loading or unloading, and shall be set back at least ten feet from the rear lot lines and five feet from the side lot lines. No trailer or vehicle shall have its wheels removed except for repair purposes.
- (2) No recreational equipment shall be used for living or business purposes or connected to utility services except for maintenance purposes.
- (3) In R-TH, and R-MF Districts, parking and storing recreational equipment shall be prohibited unless a common storage area(s) is (are) provided for the parking. Parking spaces for recreational equipment and/or vehicles shall be in addition to that required for parking private vehicles. The storage area(s) shall be effectively screened from view.

~~(b) Truck Parking in R, R-TH, MH and R-MF Districts. No off street parking area or other premises in an R, R-TH, MH and R-MF District, except on a farm where the parking is incidental to the farming use being conducted on the property, shall be used for the parking or storage of any truck or commercial vehicle exceeding 4,000 pounds net weight and having more than two axles, except while loading or unloading on the premises.~~

~~(c)~~ (b) Parking areas for five or more vehicles on lots in A, R, MH and R-TH districts, which are not used for residential purposes, shall conform to the parking requirements as though the property were located in an O, C or I District.

(2) *That this ordinance become effective immediately upon adoption.* (2723:68504.4)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. AMENDMENT TO A PRIOR MOTION RELATIVE TO THE INITIATION OF A ZONING APPLICATION FOR CASE 05TS0284, RCS DEVELOPMENT CORP.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended their motion relative to Case 05TS0284, RCS Development Corp. (Eagle's Crest at Chesterfield Meadows), initiating an application to amend Conditional Use Planned Development Case 84S082 to permit exceptions to Ordinance requirements relative to townhouses fronting on a public street or having access thereto by common right of way within 500 feet on Tax ID 774-660-6611; to appoint Mr. Thomas Jacobson **or Mr. James Banks** as the Planning Commission's agents; to set the date of, and advertise, ~~August 16~~ **June 21**, 2005, for a public hearing; and to waive disclosure requirements.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

G. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY APPLICANT.

04SN0274:* In Midlothian Magisterial District, **TC MIDATLANTIC DEVELOPMENT INC.** requested deferral to October 18, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 37.1 acres fronting approximately 1,000 feet on the north line of Midlothian Turnpike across from Watkins Center Parkway. Tax IDs 714-712-9323; 715-711-0444 and 4043; 715-712-3508; 716-713-Part of 5414; and 717-708-Part of 4353 (Sheet 5).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to October 18, 2005.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0274 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SR0115:* In Matoaca Magisterial District, **FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ** requested deferral to July 19, 2005, of consideration for renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Mr. Frederick Yakelewicz, one of the applicants, requested deferral to July 19, 2005.

There was no opposition to the deferral.

In response to questions from Mr. Gulley, Ms. Rogers explained the history of the request, noting that, to date, the applicant had not complied with the previous conditions of zoning and the applicant requested deferral to allow him to comply with the previous conditions. She stated staff continued to recommend denial of the request.

Mr. Gecker stated he recalled the Commission had indicated at their February 15, 2005, meeting, that no further deferrals would be appropriate and suggested the request be moved forward to the Board of Supervisors.

The following motion was made at the applicant's request.

Mr. Bass made a motion to defer Case 05SR0115 to July 19, 2005, noting this would be the last time he was inclined to grant a deferral. Mr. Gulley seconded the motion for purposes of discussion.

Messrs. Wilson, Gecker and Gulley recalled that the request had been deferred numerous times; that the previous deferral was to be the last granted; and expressed concerns that continued deferrals, without the applicant's compliance with previous conditions, would exacerbate an unacceptable situation and set a precedent.

Mr. Bass concurred; however, stated he felt the applicants were making progress in their efforts to comply with the requirements and that a sixty (60) day deferral would allow them to resolve the remaining issues. He reiterated his position that this would be the last time he was inclined to grant a deferral to the applicant.

In response to questions from Mr. Litton, Ms. Rogers indicated the applicants had recently submitted a site plan which needed revisions; that on-site improvements needed to be completed to comply with the approved site plan; and that, even if the applicants were to make improvements to the site, staff's position remained the same as on the original application that the use was not located appropriately, was incompatible with existing area land uses and did not comply with the Comprehensive Plan. She added staff had worked diligently since the Conditional Use was granted to bring the site into compliance but had been unsuccessful.

In response to questions from Mr. Gulley, Ms. Rogers stated staff recommended denial of the application submitted in August 2001; however, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the Conditional Use.

Mr. Gulley stated he had a difficult time supporting the request given the history and the applicants' failure to comply with the conditions of zoning.

Mr. Bass stated the applicants had submitted a site plan and were prepared to submit the paperwork for road dedication; indicated the applicants had made some progress and he felt they should be given the additional deferral to allow them to be able to resolve the remaining issues within the next sixty (60) days; and that he had given the applicants his word he would grant them the additional deferral.

Messrs. Litton and Wilson expressed concern that the applicant could incur substantial expenses to bring the request into compliance while the case was pending before the Commission and still have the application denied at the Board level; that the applicants' interest may be better served if the request were forwarded to the Board at which time the Board may grant a deferral to allow the applicants to come into compliance or they may approve the request, while granting them sixty (60) to ninety (90) days to bring the site into compliance.

The vote on Mr. Bass's motion to defer the request to July 19, 2005, was as follows:

AYES: Mr. Bass.

NAY: Messrs. Litton, Wilson, Gulley and Gecker.

Because the motion failed, the request was placed with cases requiring discussion.

05SN0206:* In Bermuda Magisterial District, **DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE** requested deferral to July 19, 2005, of consideration for rezoning and amendment of zoning district map

from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Mr. Wilson Enochs, the applicant's representative, requested deferral to July 19, 2005.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0206 to the July 19, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0235: In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to June 21, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944 (Sheet 4).

Mr. Jim Theobald, the applicant's representative, requested deferral to June 21, 2005.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 05SN0235 to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0136: In Dale Magisterial District, **PATRICK CONSTRUCTION** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for community mixed use and for residential use of 1.0 to 2.5 units per acre. This request lies on 35.3 acres lying at the western terminus of Koufax Drive. Tax ID 774-678-Part of 9980 (Sheet 17).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0136 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:
 - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
 - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
5. A maximum of eighty (80) lots shall be permitted on the property. (P)
6. Manufactured homes shall not be permitted. (P)
7. The minimum lot size shall be twelve thousand (12,000) square feet.
8. Any residential lots having sole access through Stonebridge Subdivision shall have an average lot area of not less than 16,000 square feet. Such lots shall not exceed density of 2.7 units per acre. (P)
9. The minimum gross floor area for one story dwelling units shall be 1600 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (P)
10. Drainage from the impervious surfaces of roofs and driveways on lots abutting Stonebridge Subdivision shall outfall into a swale provided for this purpose along the eastern property line of Tax ID 774-678-9980. (EE)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0230: In Matoaca Magisterial District, **DOUGLAS R. SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 20.5 acres fronting approximately 1,550 feet on the east line of North Spring Run Road approximately fifty (50) feet south of Buck Rub Drive. Tax IDs 726-667-8796 and 9968; and 727-667-2663, 4736 and 5892 (Sheet 15).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Jacquelyn Gordon, a resident of Ratling Drive, expressed concerns relative to, and asked that, there be no connection from the subject property to Ratling Drive, noting such a connection would generate increased traffic volumes/patterns and adversely impact the safety of area children.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Theobald clarified that the applicant had not precluded the possibility of a connection from the subject property to adjacent subdivisions.

In response to questions from Mr. Litton, Mr. McCracken stated a connection would be precluded if the anticipated vehicles per day exceeded 1,500 trips.

In response to a question from Mr. Bass, Mr. Theobald stated a deferral to October 18, 2005, was not acceptable.

Mr. Bass stated the Upper Swift Creek Plan was currently being revised and to be consistent with his recommendations for other cases in the area, he recommended denial of Case 05SN0230.

Mr. Gulley stated he had voted consistently on cases such as these; the Upper Swift Creek Plan was currently being revised; he and Mr. Bass had worked diligently to defer such cases until such time as the Plan was addressed; that other applicants had taken deferrals until the Plan was addressed; he had hoped Mr. Theobald would take a deferral; and Mr. Theobald's unwillingness to defer the case caused him concern.

Mr. Bass made a motion, seconded by Mr. Gulley, to deny Case 05SN0230.

Mr. Litton stated the proposal represented an in-fill development, surrounded by R-12 zoning, and he could not imagine that revisions to the Upper Swift Creek Plan would impact or change the density on the property.

Mr. Gecker concurred with Mr. Litton.

Mr. Wilson concurred, noting he did not foresee that the Upper Swift Creek Plan revisions could legitimately change the recommendation for this particular parcel. He stated, procedurally, any inclination or thought that all cases in the Upper Swift Creek watershed should be deferred until the Plan was adopted was within the purview of the Board of Supervisors and they could defer the request if they so chose. He stated he felt

a recommendation for approval of the request was appropriate and consistent with the growth management approach.

The vote on Mr. Bass's motion to deny Case 05SN0230 was as follows:

AYES: Messrs. Gulley and Bass.
NAYS: Messrs. Litton, Wilson and Gecker.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0230 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 726-667-8796, 727-667-4736, 727-667-5892 and 727-667-2663 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 as set forth in the application filed herewith is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Impacts on Capital Facilities. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - a. Prior to the issuance of a building permit for each dwelling unit, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
 - i. If payment is made prior to July 1, 2005, \$11,500.00 per dwelling unit;
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - b. At the option of the Transportation Department exercised pursuant to Proffered Condition 3 below, and in lieu of the amounts set forth in Proffered Condition 2a above, the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield prior to the time of issuance of a building permit for each dwelling unit, the following amounts for infrastructure improvements (excluding the road component) within the service district for the property:

- i. If payment is made prior to July 1, 2005, \$7,120.00 per dwelling unit. At time of payment \$7,120.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$5,509.00 for schools, and \$423.00 for fire stations; or
 - ii. If payment is made after June 30, 2005, the amount approved by the Board of Supervisors not to exceed \$7,120.00 per dwelling unit pro-rated as set forth in Proffered Condition 2bi above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. (T)
 - c. At the option of the Transportation Department the cash proffer payment may be reduced for road improvements by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Condition 3 below, exclusive of those road improvements identified in Proffered Condition 4 performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department.
 - d. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor.
 - e. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
3. Transportation Contribution. At the option of the Transportation Department, the applicant, his successor(s), or assignee(s) (the "Applicant") shall comply with the obligations of Proffered Condition 2b and, also shall pay to the County of Chesterfield, prior to recordation of each subdivision section the amount of the number of lots to be recorded for such section multiplied by \$4,380. The payment shall be used for road improvements within Traffic Shed of which the Property is a part or for road improvements that provide relief to that Traffic Shed, as determined by the Transportation Department.

If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 4 to Spring Run Road, then the cash proffer payment(s) for the road component as set forth in Proffered Condition 3 shall be reduced so long as the cost to construct the Improvements is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the cash proffer as determined by Chesterfield County's Budget and Management Department. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the

Applicant shall receive prior written approval by the Transportation Department for any credit amount. (T)

4. Transportation.

- a. In conjunction with the recordation of the initial subdivision plat or within sixty (60) days of a written request by the County, whichever occurs first, forty-five (45) feet of right-of-way on the east side of Spring Run Road, measured from the centerline of that part of Spring Run Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. Direct access from the Property to Spring Run Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department.
- c. In conjunction with development of the initial section, the developer shall be responsible for the following improvements:
 - i. Construction of additional pavement along Spring Run Road at the public road intersection to provide left and right turn lanes;
 - ii. Widening/improving the east side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage; and,
 - iii. Dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. (T)

5. Home Size. All dwelling units shall have a minimum gross floor area of 2,300 square feet. (P)

6. Density. There shall be no more than two and two-tenths (2.2) units per acre developed on the Property. (P)

7. Phasing. No lots shall be recorded prior to January 1, 2007. (P)

8. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

9. Access. No lots shall have Ratling Drive as their sole access. (P)

AYES: Messrs. Litton, Wilson and Gecker.
NAYS: Messrs. Gulley and Bass.

05SN0234: In Matoaca Magisterial District, **THOMLYN, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

When asked, there was opposition present; therefore, the consensus of the Commission was to place Case 05SN0234 with those cases requiring discussion.

05SN0237: In Clover Hill Magisterial District, **DARCIE L. KUZIK** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-9) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 units per acre. This request lies on 0.4 acre and is known as 10802 Timberun Road. Tax ID 745-679-8507 (Sheet 16).

Ms. Darcie Kuzik, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0237, subject to the following conditions:

CONDITIONS

1. This Conditional Use shall be granted to and for Mrs. Darcie L. Kuzik, exclusively, and shall not be transferable nor run with the land. (P)
2. There shall be no additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0240: In Bermuda Magisterial District, **BELLWOOD ROAD LLC** requested Conditional Use and amendment of zoning district map to allow General Business (C-5) uses in a General Industrial (I-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general industrial use. This request lies on 38.1 acres fronting approximately 850 feet on the south line of Bellwood Road, also fronting approximately 650 feet on the east line of Jefferson Davis Highway and located in the southeast quadrant of the intersection of these roads. Tax ID 793-674-2919 (Sheet 18).

Mr. Roger Habeck, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0240, subject to the following condition:

CONDITION

In addition to the uses permitted in the General Industrial (I-2) District, those uses permitted by right or with restrictions in the General Business (C-5) District shall be permitted. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0242: In Clover Hill Magisterial District, **B. J. PATEL AND JERAM BHAS K. PATEL** requested amendment to zoning (Case 86S115) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a General Business (C-5) District on 0.8 acre fronting approximately 160 feet on the north line of Hull Street Road approximately 160 feet east of Courthouse Road. Tax ID 749-686-7962 (Sheet 10).

Ms. B. J. Patel, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0242.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CODE AMENDMENTS.**

◆ **NUMBER OF BUILDING PERMITS ISSUED PRIOR TO ACCEPTANCE OF STREETS INTO THE STATE SYSTEM.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 17-73 of the Subdivision Ordinance. This amendment will provide the option for a subdivider to increase to 100% the number of building permits which may be issued prior to the acceptance of the streets into the State system for maintenance if the subdivider is willing to both provide a surety at an amount equal to 125% of the costs of the improvements and waive its rights under Va. Code § 15.2-2241 and § 17-73(b) to partial releases of the surety and instead be granted by contract only one partial release of its surety.

◆ ◆ ◆

Mr. Turner indicated staff felt there had not been sufficient legal notice of the proposed Amendment and recommended the matter be deferred to the June 21, 2005, Planning Commission meeting.

There was no opposition to the deferral.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer the Code Amendment relating to the number of building permits issued prior to acceptance of streets into the State System to the June 21, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **SETBACKS IN INDUSTRIAL DISTRICTS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-185, 19-192, 19-195, 19-199 and 19-523 of the Zoning Ordinance. These amendments would delete the setbacks required by the Zoning Ordinance for Industrial (I-1, I-2 and I-3) zoned districts located adjacent to an Agricultural (A), Residential (R), Residential-Townhouse (R-TH) or Multifamily Residential (R-MF) zoning district and, further, would delete the setbacks required when an I-3 District is located adjacent to any Office (O), Commercial (C) or Industrial (I-1) District. The amendments would also add buffer requirements for I-1, I-2 and I-3 Districts when located next to an Agricultural (A) District that encompasses an existing residential use or that is planned for future residential uses in the County's Comprehensive Plan. The amendments would also make a non-substantive change to Section 19-195 by deleting a cross-reference and adding language substantively identical to the cross-reference.

◆ ◆ ◆

Mr. Allen presented an overview of the proposed Code Amendment and staff's recommendation.

Ms. Janet M. Moe, a County resident, expressed concerns that commercial development adversely impacted watersheds, especially in the Pocoshock Creek area, and questioned how changes in the setback requirements would affect the watershed/other creeks in the area.

Mr. McElfish addressed the impact of the proposal, noting, with the Ordinances in place, the new setback requirements would have a minimal impact on area creeks.

Mr. Wilson stated this issue was brought to his attention due to the amount of industrial property in his and other districts that, because of outdated setback requirements, was not economically viable to develop and he felt the proposal provided an economic development opportunity to develop smaller light industrial or industrial properties.

Mr. Gulley stated he had serious concerns about and was reluctant to modify/reduce setback requirements in the I-1 District.

Mr. Gecker concurred with Mr. Gulley, noting he was not convinced that reducing the setbacks/buffers would be beneficial for his constituents.

Mr. Wilson suggested the public hearing be closed and the proposed Amendment be deferred to the June 21, 2005, Planning Commission Work Session for further discussion.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer action on the Code Amendment relative to setbacks in Industrial Districts to June 21, 2005, at 7:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

Mr. Turner recalled Case 05SR0115, Frederick Yakelewicz and Marianne Yakelewicz.

05SR0115:* In Matoaca Magisterial District, **FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ** requested renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the request failed to comply with the Southern and Western Area Plan which suggests the request property is appropriate for residential use of one (1) to five (5) acre lots, suited for Residential (R-88) zoning; the business was being operated on-site in violation of the approved conditions, the Zoning Ordinance and Building Codes; and the current request did not include any provisions that would limit/control development of the property and provided no commitments for road improvements including but not limited to, right of way dedication, access controls and turn lanes along Lakeview Road.

In response to questions from Mr. Gulley, Ms. Orr outlined the conditions with which the applicant had failed to comply.

Mr. Yakelewicz, one of the applicants, provided a history of the request and explained his situation, noting he felt he had been misled by staff, the consequences of which had placed a substantial financial burden on him. He stated he was a small businessman and was doing the best he could; that staff had worked diligently with him and he felt progress was being made; and he asked the Commission to work with him by granting the deferral.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Bass, Mr. Turner stated, when the applicant failed to comply with the conditions of zoning, Code Enforcement staff initiated the zoning violation process to bring the applicant into compliance. He stated the Planning Department's policy was to work with applicants to assist them with achieving compliance, however, this process has been drawn out much longer than anyone anticipated. He added the practice of the department was, where a zoning violation existed, if an applicant filed a zoning application to remedy the violation, enforcement action would be delayed until such time as a zoning decision was rendered.

In response to questions from Mr. Gecker, Ms. Orr stated the original application was submitted with proffered conditions; however, the current application was submitted without proffered conditions and indicated the applicant had not been in compliance with the conditions of zoning since 2002.

In response to questions from Mr. Gecker, Ms. Rogers explained the notification/renewal process for use permits granted for a specific time period; indicated the applicants were advised of the pending expiration and that they needed to seek renewal of the use; stated once the applicants submitted an application for renewal, staff, based upon departmental policy, ceased to proceed with any zoning violation action; and outlined the regulations with which the applicants had complied and/or had failed to comply. She further noted the conditions proffered in the original applications were not submitted in conjunction with the renewal application and were not part of the request. She stated, prior to operating the business on-site, the applicants were required to obtain site plan, building permit and occupancy approvals.

Mr. Gecker stated he failed to see any benefit to deferral of the request and he could not support the request without the original conditions of zoning being included in the current request.

Mr. Bass made a motion to defer Case 05SR0115 to the July 19, 2005, Planning Commission public hearing.

Mr. Litton stated he would be comfortable with a recommendation to the Board of Supervisors for approval of the request with the imposition of the original conditions of zoning. He stated he did not believe the applicant should have to incur any further expenses until he knew what the Board's decision would be.

Mr. Gecker stated he was not comfortable with the fact it had taken two (2) years to get this far with this request and conditions still had not been met; that the County should obtain the dedication it would have received had this process been followed correctly; and he felt the case should be forwarded to the Board for consideration, with the site plan to be reviewed and issues resolved in the interim.

In response to questions from Mr. Wilson, Mr. Robinson indicated he did not think the dedication could be forced on an expired permit, assuming the applicant was not operating the business on-site.

Mr. Gecker stated he could support a motion to recommend approval with the imposition of the original conditions of zoning and if the Board were to approve the request, appropriate enforcement action be taken to preclude operation of the business on-site until the site plan was approved and the work related to the site plan was accomplished.

Mr. Gulley stated he would support a motion in that format.

Mr. Bass withdrew his motion to defer the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SR0115, subject to the following conditions:

CONDITIONS

Conditions for Conditional Use for the riding and horse skills lessons business and the mobile auto repair and service business.

1. This Conditional Use shall be granted to and for Frederick and Marianne Yakelewicz, exclusively, **or members of the immediately family,** shall not be transferable nor run with the land, and shall only be permitted provided one **of the aforementioned persons** ~~of both of the applicants resides~~ on the subject property. (P)

2. No outdoor lighting shall be permitted other than security lighting. (P)
3. A maximum of two (2) signs, limited to one (1) for each business, which conform to home occupation sign requirements of the Zoning Ordinance shall be permitted to identify these uses. (P)
4. Prior to any final site plan approval, forty-five (45) feet of right-of-way on the north side of Lakeview Road and on the east side of Branders Bridge Road, measured from the centerline of both roadways immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Direct access from the property to Lakeview Road and to Branders Bridge Road shall be limited to one (1) entrance/exit onto each roadway. The exact location of these accesses shall be approved by the Transportation Department. (T)

Conditions for Conditional Use for the mobile auto repair and service business.

6. The Conditional Use for the mobile auto repair and service business shall be granted to permit the operation of an office for the business, where vans are dispatched to off-site locations to repair and service vehicles. (P)
7. The mobile auto repair and service business shall be located generally in the area identified as "Proposed Office" on the Plan titled "Yakelewicz Office Area" and the primary access to such use shall be via a driveway to Lakeview Road. (P)
8. The Conditional Use for the mobile repair and service business shall be granted for a period not to exceed two (2) years from the date of approval of this Conditional Use. (P)
9. There shall be no maintenance or repair (i.e. mechanical or other repairs, cleaning, etc.) of any vehicles to include company vehicles allowed on-site. (P)
10. A maximum of eighteen (18) employees, other than the applicants, shall be engaged in the mobile auto repair and service business. Equipment storage shall be limited to parking of five (5) company vehicles. (P)
11. Hours of operation for the mobile auto service and repair business shall be restricted to between 7:00 a.m. and 5:00 p.m. Monday through Saturday. Provided, however, that a maximum of one (1) employee may be permitted on-site during other hours for the purpose of dispatching vehicles to off-site locations. (P)
12. On the east and west boundaries of the area identified as "Proposed Office" on the Plan titled "Yakelewicz Office Area," the following minimum buffers shall be maintained: a) from the eastern boundary a minimum eighty-five (85) foot buffer inclusive of the required setback shall be maintained, and b) from the western boundary a minimum 100 foot buffer shall be maintained. Further, all driveways, parking areas, and buildings shall be located a minimum of 130 feet from the ultimate right-of-way of Lakeview Road. No trees greater than eight (8) inches in caliper shall be removed from the buffer or setback described

herein. In cleared areas of 400 square feet or greater within the buffer or setback, existing vegetation shall be supplemented where necessary to minimize the view of the uses from adjacent properties and the public right-of-way. A landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval in conjunction with site plan review. (P)

13. The uses to include building, driveway and parking areas shall not exceed 57,000 gross square feet of total area and any building shall not exceed 1500 gross square feet. ~~Any structure associated with the mobile auto repair and service business shall be a modular or mobile office unit.~~ With the exception of one (1) structure, not to exceed 750 square feet, any structure associated with the mobile auto repair and service business shall be a modular or mobile office unit. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner recalled Case 05SN0234, Thomlyn, LLC.

05SN0234: In Matoaca Magisterial District, **THOMLYN, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01-2.5 units per acre. This request lies on 50.3 acres fronting approximately 1,050 feet on the southwest line of Woodpecker Road and located in the southwest quadrant of the intersection of Woodpecker, Lakeview and Chestnut Ridge Roads. Tax IDs 791-620-1025 and 791-621-0110 (Sheet 41).

Ms. Orr presented an overview of the request and staff's recommendation.

Mr. Harley Joseph, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Jerry Journigan, a Matoaca District resident; Mr. Samuel Smith, a Woodpecker Road resident; Ms. Brenda Stewart, a Matoaca District resident; and Mr. Billy Smith, a resident of Pine Needle Lane, voiced opposition to the request, citing concerns relative to land use compatibility, overdevelopment of the site, increased traffic, the lack of sufficient infrastructure to accommodate the development's impact on the community, the methodology used to compute the amount of the proffered conditions for school capital facilities and the impact of the development on the quality of life in the area. A petition with approximately 155 signatures of citizens in opposition to the request were submitted.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Joseph displayed the preliminary plan for the development depicting lot layout, road networks, transition of development and addressed other issues of concern.

Mr. Bass stated, in his discussions with the applicant, he had indicated a preference for R-25 zoning as he did not feel R-12 zoning was consistent with the area Plan.

Mr. Bass made a motion to deny Case 05SN0234. Mr. Gulley seconded the motion.

In response to a question from Mr. Litton, Mr. Joseph stated his client was agreeable to modifying the density to 1.5 units per acre.

Mr. Gulley expressed concerns relative to a field delineation study not being performed on the property and questioned how much of the property was located in the Resource Protection Area (RPA), noting he was not a proponent of gross density calculations.

Mr. Gecker expressed concerns relative to the view shed along Woodpecker Road; buffer, tree preservation and landscaping requirements; density; no open space/passive recreation delineated on the plan layout; and the Master Plan not being proffered as part of the request. He stated he felt more could have been done to accommodate area residents' concerns relative to compatibility of the development with existing developments and maintaining the rural character of the area.

In response to Mr. Gecker's comments, Mr. Joseph stated the applicant was agreeable to proffering five (5) acres of open space.

Mr. Gecker stated he was uncomfortable supporting the request, as presented.

Based on the Commission's comments, Mr. Bass withdrew his motion to deny Case 05SN0234. Mr. Gulley withdrew his second.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05SN0234 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

The Commission recessed at approximately 9:53 p. m.

The Commission reconvened at approximately 10:05 p. m.

05SN0241: In Bermuda Magisterial District, **CHRISTOPHER D. WARD** requested Conditional Use and amendment of zoning district map to permit motor vehicle repair and storage/towing lot in a General Industrial (I-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 2.0 acres fronting approximately 150 feet on the south line of Old Bermuda Hundred Road approximately 1,550 feet east of Old Stage Road. Tax ID 804-649-2067 (Sheet 35).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Consolidated Eastern Area Plan, and were not representative of, nor compatible with, existing and anticipated area development.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, did not accept staff's recommendation, noting the applicant was investing a substantial sum into his business venture; that the property was suitable for a start-up business; and asked the Commission to consider a favorable recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0241 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Contract Purchaser-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax ID 804-649-2067-00000, (the "Property") under consideration will be developed according to the following conditions. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

In conjunction with this Conditional Use application, the Applicant hereby makes the following proffers:

1. Direct access to Old Bermuda Hundred Road shall be limited to the one existing entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
2. Prior to any site plan approval, or within ninety (90) days of the approval of the conditional use permit, whichever occurs first, forty-five (45) feet of right of way on the south side of Old Bermuda Hundred Road, measured from the centerline of that part of Old Bermuda Hundred Road immediately adjacent to the property, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Vehicle storage areas shall be screened from view of adjacent properties on which such uses are not permitted or do not exist, from external public roads and from A Districts that are shown on the comprehensive plan as R, R-TH, R-MF, or O districts. (P)
4. Vehicle storage areas shall be set back a minimum of seventy-five (75) feet from the ultimate right of way of Old Bermuda Hundred Road. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0219: In Dale Magisterial District, **OTTERDALE PARTNERS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 190.7 acres fronting approximately 600 feet on the east line of Old Hopkins Road, also fronting approximately 1,800 feet on the southeast line of Conifer Road and located in the southeast quadrant of the intersection of these roads. Tax IDs 784-675-1052 and 785-676-4312 (Sheet 18).

Mr. Wilson stated he represented the applicants in matters other than zoning, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and recused himself from the meeting at approximately 10:12 p. m.

Mr. Clay presented an overview of the request and staff's recommendation, noting staff felt the request failed to fully minimize the impact of the garage doors facing the street.

Mr. John V. Cogbill, III, the applicant's representative, accepted staff's recommendation with the exception of the issue relating to garage door orientation, noting the applicant had addressed the issue in Proffered Condition 17 in which certain percentage of the garage doors would not be facing the streets. He stated the applicant felt the development was one of quality and would be a good neighbor to the community.

Mr. Litton opened the discussion for public comment.

Ms. Maureen Croson, a Beulah Village Subdivision resident; Mr. Eddie Parker, a County resident; Ms. Janet M. Moe, a Dalebrook resident; Mr. Charles Bell, a Confier Road resident; Mr. Linn Vaughan, a Dalebrook resident; Ms. Donna Manual, a County resident; Ms. Gilley Bland, a Dale District resident; and Ms. Marleen Durfee, Executive Director of the Task Force for Responsible Growth, voiced opposition to the request, citing concerns relative to traffic congestion; safety issues; overcrowding of schools; flooding, wetlands and drainage; tree preservation; potential contamination from an old prisoner of war (POW) camp to the area's water supply; the lack of an Environmental Study; and the lack of smart growth principles.

Mr. Steve Smith, President of the Fuqua Farms Civic Association, supported the request, citing revitalization and a positive impact to the community as a benefit of the development.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Cogbill addressed the previous comments, noting the property was infill development; the proposed zoning and land uses conformed to the Plan; the proffered conditions adequately addressed the impacts of the development on necessary capital facilities; and the applicant felt he was providing a quality development which would not only be beneficial to the community but also to the County overall.

In response to questions from the Commission, Mr. McCracken addressed transportation concerns and Ms. Owens-Bailey addressed school concerns.

Mr. Litton stated he felt the request was typical infill development that was convenient to all major area roads; that school issues would be appropriately addressed; and that the proposed development would be a quality development, well within the capacities that could be accommodated by both the roads and schools.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0219 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 784-675-1052 and 785-676-4312 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The textual statement dated December 28, 2004, and last revised April 20, 2005, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for modular office units used as sales facilities and/or construction offices. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Buffers. The twenty (20) foot buffer along Conifer Road, required in accordance with the Subdivision Ordinance, shall be located within recorded open space. (P)
5. Cash Proffers. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$11,500.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2005. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. (B&M)
6. Recreational Facilities. Any active recreational facilities shall be subject to the following restrictions.
 - A. There shall be no outside public address systems or speakers.
 - B. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor play fields, courts, swimming pools and similar active recreational areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
 - C. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
 - D. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

- E. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
 - F. The maximum height for light posts in recreational uses shall not exceed twenty (20) feet.
 - G. The location of all active recreational uses shall be identified in conjunction with the submittal of the first tentative subdivision plan.
 - H. In conjunction with the recordation of any lot adjacent to active recreational area(s), such area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions. (P)
- 7. Curb and Gutter. All streets, exclusive of alleys, shall be constructed with concrete curb and gutter. (EE)
 - 8. Access. Direct access from the property to Conifer Road shall be limited to two (2) public roads. At the time of subdivision approval, the exact location of these accesses shall be approved by the Transportation Department. (T)
 - 9. Dedication. Twenty-five (25) feet of right-of-way on the east side of Conifer Road, measured from the centerline of that part of Conifer Road immediately adjacent to the Property shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat. (T)
 - 10. Drainage. Subject to the Army Corps of Engineers and the Department of Environmental Quality or any other local, state, or federal regulatory agency, no drainage from impervious areas of the Property shall be conveyed east under the railroad tracks but will be conveyed south to Kingsland Creek prior to passing under the railroad tracks. (EE)
 - 11. Open Space. At a minimum, the following Open Space areas shall be provided:
 - A. A multipurpose field a minimum of half (0.5) acre in size.
 - B. A minimum of two (2) acres shall be centrally located in the development ("Village Green"). If townhouse units are built, the Village Green shall be located between the detached dwelling units and the townhouse units. The Village Green shall provide benches and other amenities that accommodate and facilitate gatherings. The exact location and design of the Village Green shall be approved by the Planning Department at the time of subdivision review.
 - C. A minimum of seventy (70) acres of open space ("Nature Park") with trails shall be located along Kingsland Creek. The exact design and location of the trails shall be approved at the time of subdivision review. Additional features such as picnic tables, grills, shelters, and/or gazebos shall be permitted in the Nature Park.

- D. Sidewalks shall be provided on both sides of all rights-of-way along which dwellings front. The exact treatment and location of the sidewalks shall be approved at the time of subdivision review.
 - E. Street trees shall be planted or retained along each side of all rights-of-way along which dwellings front. The exact location, spacing, species, and size of the trees shall be approved by the Planning Department at the time of subdivision review. (P)
12. Recreation Areas and Focal Point. A minimum of four (4) acres (exclusive of the Village Green but inclusive of the multipurpose field) shall be developed with a clubhouse, multipurpose field, and trails for use by the residents. The clubhouse shall be a minimum of 2,500 square feet in area and shall serve as a focal point and gathering place for the residents. Prior to issuance of more than 300 certificates of occupancy, the clubhouse, pool, multipurpose field, and Village Green shall be completed. (P)
13. Alleys. When provided, alleys shall have a minimum of twelve (12) feet of pavement width. (T)
14. Driveways. Where provided, private driveways serving the residential units shall be "hardscaped." The exact design and treatment of driveways shall be approved by the Planning Department at the time of subdivision review. (P)
15. Density. There shall be no more than 440 dwelling units developed on the Property. (P)
16. Building Materials. The facades of detached dwellings units and the townhouses shall be constructed of brick, brick veneer, wood, vinyl siding, cementitious-type siding, composite siding, glass, stone, or EIFS. (P)
17. Garages. The location of the Cluster Lots and Townhouse Lots having front loaded garages shall be identified on the conceptual subdivision plan and the record plat.
- A. On Cluster Lots, a minimum of fifty percent (50%) of the garages shall have a setback of at least five (5) feet from the front face of the building, or shall be rear-loaded or side-loaded.
 - B. A minimum of seventy percent (70%) of the Townhouse Lots shall have rear-loading garages. (P)
18. Minimum Square Footage.
- A. The minimum gross floor area for detached dwelling units shall be 2,000 square feet, except that detached one-story dwelling units on lots smaller than 12,000 square feet shall have a minimum gross floor area of 1,700 square feet.
 - B. The minimum gross floor area for townhouses shall be 1,300 square feet. (P)

19. Covenants. At a minimum, the following restrictive covenants shall be recorded for the development. The covenants provided herein shall not be changed for a period of ten (10) years from the date of recordation of the first subdivision plat. After that time period, the Developer or his successor may modify these covenants without exception. Specific terms and definitions shall be set forth in the Covenants and may not be the same as definitions set forth in the Chesterfield County Zoning Ordinance. All terms and definitions set forth in the Covenants shall control this Proffered Condition.
- A. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.
 - B. Manufactured homes shall not be permitted for use as a residence.
 - C. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises unless approved by the Declarant or the Association.
 - D. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by the Declarant or the Association in writing.
 - E. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
 - F. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
 - G. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by the Declarant or the Association except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
 - H. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots. No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
 - I. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.

- J. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
 - K. No portable air condition units will be place in any window of a dwelling or other building if visible from a public street.
 - L. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
 - M. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants.
(P)
20. Transportation Improvement. In conjunction with development of the initial section, the developer shall be responsible for relocation of the ditch along the east side of Conifer Road for the entire Property frontage to provide an adequate shoulder, as determined by the Transportation Department. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for this improvement. (T)
21. Location of Lots. Regular Lots, Cluster Lots, or Townhouse Lots (the "Lots") shall be grouped together on a particular portion of the Property such as a block. If there is a desire to mix the Lots within a particular portion of the Property, the mixing of the Lots may be permitted if a sketch plan is submitted to the Planning Department for review and approval. The sketch plan shall address the land use transitions and compatibility between the different Lots within that portion of the Property. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers, and site design. (P)

AYES: Messrs. Litton, Gulley and Gecker.
NAY: Mr. Bass.
ABSENT: Mr. Wilson.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 11:35 p. m. to May 26, 2005, at 7:00 p. m., in the Public Meeting Room of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date